

REMARKS/ARGUMENTS

The Office Action mailed February 24, 2006, has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the foregoing amendments and the following remarks.

A replacement sheet including FIG. 1 is attached hereto and is labeled "prior art" as requested by the Examiner.

The rejection of claims 2-4, 6-19 and 22-25 for indefiniteness has been addressed in response to the items noted by the Examiner. It is respectfully submitted that the items identified by the Examiner have been attended to by these amendments, and withdrawal of this rejection is respectfully requested.

Claims 22-25 were rejected as being anticipated by Lynch, claim 2-4, 6-8 and 14-19 were rejected as being unpatentable over Lynch in view of Johnson. Claims 9-12 were rejected as being unpatentable in view of Lynch taken in view of Johnson and Stonner. Finally, claim 13 was rejected as being unpatentable in view of Lynch and Johnson taken in view Casner. Each of these rejections is respectfully traversed.

Without conceding the propriety of the rejections, both of the independent claims, 7 and 25, have been amended to recite that the partition between the weirs has a top end and that the lip or splash reducing means, is an adjustable lip having one end hingedly connected to the top end of the second partition. Claim 7 and 25 also recite that the adjustable lip is angled downwardly away from the top end and into the second weir. These claims have also been amended to recite that fluid flowing over the top end from the labyrinth next flows over the lip and into the second weir.

The Office Action is understood to rely solely upon Johnson with respect to the previously recited lip feature. However, it is respectfully submitted that the lip of Johnson is significantly different in structure and function from the lip recited in amended claims 7 and 25. Support for the adjustable lip recited in claims 7 and 25 can be found at least in paragraph [0032] and FIG. 2 of the present application. And it is noted that the adjustable lip is hingedly

connected at the top of the partition and that the lip is angled into the surface level of the second weir. This angled adjustable lip is able to reduce splash and thus reduce air introduction in the system. Thus, the adjustable lip described in the present application does not block flow, but to the contrary, angles the flow to reduce splash. Further, this lip is illustrated directed down and away from the top of the partition and into the direction of the second weir.

Johnson's baffle body 27, also referred to as an elongated baffle plate, is significantly different in its arrangement and function. The baffle plate of Johnson is shown in FIG. 2 in an operative state wherein is directed vertically and not downwardly into a weir as in the present claims. Moreover, the function of this baffle member is to restrict flow over a top edge. Further, if the baffle was oriented in the position which permitted fluid flow, the fluid would not be flowing downwardly over the baffle in an angled fashion and could not accomplish the function of reducing splash and air entrainment. For at least these reasons, it is respectfully submitted that the plate of Johnson does not teach or suggest the presently claimed lip.

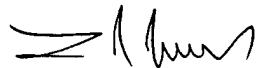
The remaining references used in the rejection are not seen to remedy the deficiencies of Johnson, in that none of these references are seen to teach or suggest an adjustable lip as presently claimed.

In view of the foregoing, reconsideration and allowance of the application are believed in order, and such action is earnestly solicited. Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87335.3820.

Respectfully submitted,

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Date: May 24, 2006

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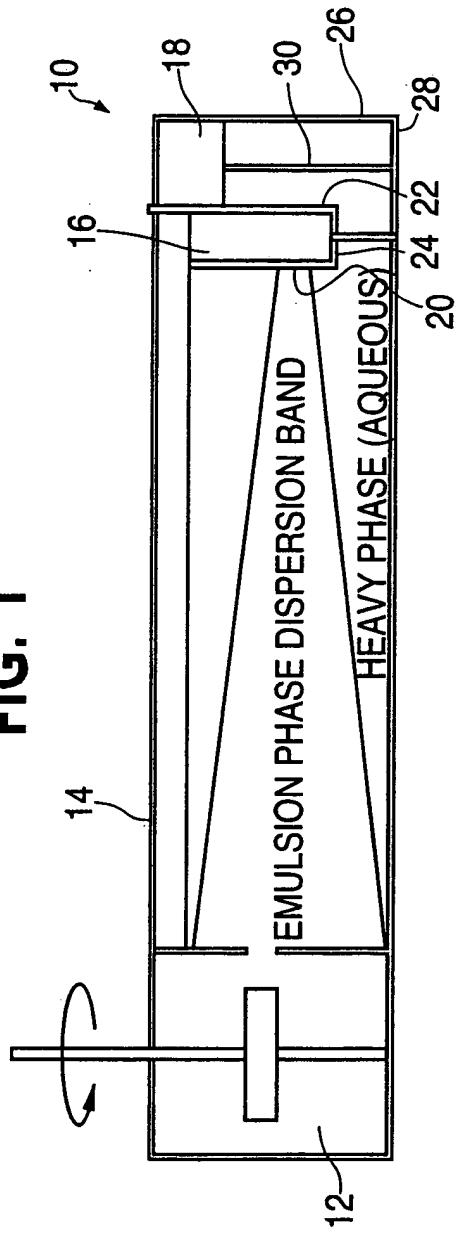
AMENDMENTS TO THE DRAWINGS

The attached replacement sheet includes changes to FIG. 1. This sheet, which includes FIG. 1, replaces the original sheet that includes FIG. 1. The amendment to the drawings is further discussed in the *Remarks* section of this amendment.

Attachment: Replacement Sheet

U.S. Appln. No. 10/644,739
Amdt. Dated May 24, 2006
Reply to Office Action of Feb. 24, 2006
ANNOTATED SHEET SHOWING CHANGES

FIG. 1



Prior Art